

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NOEL M. SCHMID,

Plaintiff,

v.

JOANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

CASE NO. C04-5517FDB

ORDER

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge J. Kelley Arnold, United States Magistrate Judge, the remaining record, and there being no objections to the report and recommendation, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) the ALJ erred in her decision as described in the report;
- (3) the matter is therefore REMANDED to the administration for further consideration; and
- (4) The Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel and Magistrate Judge J. Kelley Arnold.

DATED this 19<sup>th</sup> day of October 2005.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE